

## MINUTES

CASE NUMBER: CIVIL NO. 18-00348LEK-WRP

CASE NAME: RSMCFH, LLC vs. FareHarbor Holdings, Inc.

ATTYS FOR PLA:

ATTYS FOR DEFT:

INTERPRETER:

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JUDGE: Leslie E. Kobayashi

REPORTER:

DATE: 06/17/2019

TIME:

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COURT ACTION: EO: COURT ORDER DIRECTING THE PARTIES TO FILE SUPPLEMENTAL MEMORANDA

On June 14, 2019, Defendant FareHarbor Holdings, Inc.’s (“Defendant”) Motion to Dismiss RSMCFH, LLC’s Fraud Claims Pursuant to Rule 12(b)(6) (“Motion”), [filed 4/9/19 (dkt. no. 43),] came on for hearing. At the hearing, Defendant’s counsel argued Plaintiff RSMCFH, LLC’s (“Plaintiff”) common law fraud claim is preempted by the applicable securities laws. Because the preemption issue was not sufficiently addressed in the parties’ memoranda, the parties are HEREBY ORDERED to file supplemental memoranda.

Defendant’s supplemental memorandum addressing preemption must be filed by **July 1, 2019**, and Plaintiff’s supplemental memorandum must be filed by **July 15, 2019**. Each memorandum must be no longer than **five pages**. The parties do not have leave to address any other issue in the supplemental memoranda.

The Court will reserve ruling on the Motion until the parties have filed their supplemental memoranda.

IT IS SO ORDERED.

Submitted by: Warren N. Nakamura, Courtroom Manager